

**Before the  
Federal Communications Commission  
Washington, DC**

In the Matter of	)	
	)	
Request for Review of the Decision of	)	
the Universal Service Administrator	)	
or Waiver by	)	
	)	
Atlanta Public Schools	)	File No. SLD- 859742
Atlanta, GA	)	
	)	
Schools and Libraries Universal Service	)	CC Docket No. 02-6
Support Mechanism	)	

**REQUEST FOR REVIEW OR WAIVER**

Atlanta Public Schools (“APS” or the “School District”) has on file with the Administrator (“USAC”) a request to reconsider the decision it made on appeal not to grant the School District’s invoice deadline extension request.<sup>1</sup> For convenience, we have reproduced the School District’s Request for Reconsideration below. APS had to file this request because of USAC’s delay in processing one invoice, failure to explain short payments it made on two others, and unauthorized policy of requiring applicants to “resubmit” otherwise timely filed invoices..

Because USAC has not yet issued a decision, we request that the Commission hold this Request for Review or Waiver in abeyance, pending the outcome of the matter at USAC. Since the sixty-day appeal period is likely to expire before USAC issues its decision, APS is filing this Request for Review and Waiver now to preserve its right of appeal.

If USAC does not have the authority to reconsider the decisions it makes on

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<sup>1</sup> See Exhibit 1 to Request for Reconsideration, *Administrator’s Decision on Appeal* dated April 21, 2015.

appeal, we ask the Commission to please make that clear publicly and to consider this Request for Review or Waiver now. We see no reason, however, why USAC should not possess such authority, as it will help to streamline the administrative process and keep matters off of the Commission's appeals docket that should not be on it.

If USAC may not or refuses to reconsider its decision or, upon reconsideration, decides to uphold it, then, for all of the reasons set forth and discussed in the School District's Request for Reconsideration, APS, by its representative, hereby requests that the Commission: (1) review and reverse USAC's Decision on Appeal; and (2) direct USAC to either process the invoices in issue, which would be preferable, or to grant APS an extension of time to "resubmit" them.

Alternatively, APS requests that the Commission reach the same result by waiving its rules. Waiver is warranted for a variety of good reasons, but especially because it was the combination of USAC's inexcusably long delay, failure to provide necessary invoice-related information, and unauthorized "Invoice Resubmission" process that resulted in APS not receiving the E-rate funding to which it was entitled.<sup>2</sup>

Respectfully submitted  
*on behalf of Atlanta Public Schools*

*/s/ Catherine Cruzan*

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Catherine Cruzan  
President  
Funds For Learning, LLC  
2575 Kelley Pointe Parkway – Suite 200  
Edmond, OK 73013  
405-341-4140  
ccruzan@fundsforlearning.com

July 19, 2015

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<sup>2</sup> The Commission may waive any provision of its rules on its own motion and for good cause shown. 447 C.F.R. §1.3. A rule may be waived where the particular facts make strict compliance inconsistent with the public interest. *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990) (Northeast Cellular). In addition, the Commission may take into account considerations of hardship, equity, or more effective implementation of overall policy on an individual basis *WAIT Radio v. FCC*, 418 F.2d 1153, 1157, (D.C. Cir. 1969), affirmed by *WAIT Radio v. FCC*, 459 F.2d 1203 (D.C. Cir. 1972). In sum, waiver is appropriate if special circumstances warrant a deviation from the general rule, and such deviation would better serve the public interest than strict adherence to the general rule. *Northeast Cellular*, 897 F.2d at 1166.

cc: Universal Service Administrative Company  
Schools and Libraries Division  
Letter of Appeal – [appeals@sl.universalservice.org](mailto:appeals@sl.universalservice.org)

cc: Randall Sellers  
Director of Procurement Services  
Atlanta Public Schools

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- on the following pages -

REQUEST FOR RECONSIDERATION

OF USAC DECISION ON APPEAL

(Submitted to USAC on June 9, 2015)

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June 9, 2015

via e-mail: [appeals@sl.universalservice.org](mailto:appeals@sl.universalservice.org)

Letter of Appeal Schools and Libraries Division – Correspondence Unit

30 Lanidex Plaza West

PO Box 685

Parsippany, NJ 07054-0685

**REQUEST FOR RECONSIDERATION  
of USAC Decision on Appeal**

Applicant: Atlanta Public Schools  
Billed Entity Number: 127319  
Forms 471 Application No.: 859742  
Funding Year: 2012  
FRN Number: 2339932  
USAC Decision Date: April 21, 2015

Form Identifier	BEAR Amount ( as filed)	Amt Approved	Difference
1880587 AT12-47204-BSLV-Q1	\$106,865.49	\$94,166.09	\$12,699.40
1880601AT12-47205-BSLV-Dec-May	\$213,191.57	\$193,271.61	\$19,919.96
1936465 AT12-47217-BSLV #3	\$84,074.50	\$81,225.61	\$2,848.89
Totals	\$404,131.56	\$368,663.31	\$35,468.25

On behalf of Atlanta Public Schools (“APS”), we request that USAC reexamine its Decision not to grant APS an invoice deadline extension,<sup>1</sup> as neither the facts nor program rules support it. If USAC were to take another, more careful look at the facts and the rules,<sup>2</sup> we believe strongly that USAC would reverse its decision.

Program rules do not prohibit USAC from reconsidering and reversing its decisions. Moreover, the Commission would want, if not expect, USAC to reconsider

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<sup>1</sup> Exhibit 1, Administrator’s Decision on Appeal dated April 21, 2015.

<sup>2</sup> See *Requests for Waiver or Review of Decisions of the Universal Service Administrator by Hancock County Library System et al, Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6 (Wireline Comp. Bur. 2015) (“*Hancock County Order*”) (clarifying the conditions under which USAC is required to grant invoice extensions).

decisions in circumstances like these, as it furthers the Commission's policy of having easily resolvable matters resolved administratively, so that they do not further tax the Commission's already overburdened appeals docket.

During the appeal review process, it appears that what actually happened or, more accurately, what USAC caused to happen, somehow got completely lost. USAC's reason for denying the invoice extension request, that it did not satisfy the "conditions" for an extension, was rote and wrong. But more disturbing still, there is no evidence that USAC ever bothered to take this matter seriously, that anyone at USAC even attempted to consider what really happened and to apply the rules in a manner that might, under the circumstances, actually make some sense.

Instead, USAC perpetuated its initial mistake by deciding the matter as if it were just another routine invoice extension request case, which it clearly was not. USAC caused APS to miss the deadline for resubmitting its invoices. If that is not an extraordinary circumstance beyond the applicant's control and thus a "condition" for granting an invoice deadline extension, we do not know what is.

### **FACTS**

APS submitted all three invoices on time, ten months to more than a year before the deadline. So APS should not have needed an extension of time to resubmit any of them.<sup>3</sup> But because USAC made mistakes during the invoice review process and short paid them as a result, USAC's administrative procedures required APS to resubmit them or else never get paid what USAC owed on them.

A Catch-22 is a paradoxical situation from which there is no escape because of contradictory and confounding rules. For example: USAC would not pay what it owed to APS, unless APS resubmitted its invoices; but if APS resubmitted its invoices, USAC would not pay them because APS missed the deadline to resubmit

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<sup>3</sup> See Exhibit 2, APS Letter of Appeal of Invoice Deadline Extension and exhibits thereto.

them because USAC caused APS to miss the deadline to resubmit them. To free itself from this trap, which the rules and USAC's long delay had combined to create, APS submitted an invoice deadline extension request.<sup>4</sup> Inexplicably, USAC denied it.<sup>5</sup> Now there was "officially" no way out.

The facts, more specifically, are these.<sup>6</sup> Beginning in December 2013 and lasting all the way through October 2014, an APS invoice got stuck in a "black hole" somewhere at USAC. During the same 10-month time period, APS asked USAC repeatedly to explain why it had short paid two of its other invoices, but USAC repeatedly ignored its requests.

By the third week of October 2014 and with the FY 2012 invoice deadline only one week away, USAC still had not processed APS' invoice from December 5, 2013. Nor had USAC responded to any of APS' requests for information about its other two invoices, which APS had been asking about since December 27, 2013 and January 3, 2014, respectively, when USAC had processed and short paid them.

APS found itself in a very difficult and frustrating position. It still did not know why USAC had short paid two of its invoices or what USAC would ultimately do with the third one once it got around to processing it. APS was familiar with USAC's procedures and knew that it would have to resubmit its invoices to get paid whatever balances might be due as a result of incorrect short payments. So while it seemed absurd to think that USAC would wait until after the invoice deadline to take any action, that was a risk it could not afford to take. Its only option, therefore, was to be proactive and to request an invoice extension request on the grounds that USAC's delay, which was out of its control, would cause it to miss the invoice deadline, which is exactly what wound up happening.

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<sup>4</sup> Exhibit 3, APS FY 2012 Invoice Extension Request dated October 21, 2014.

<sup>5</sup> Exhibit 2 - Exhibit C (Administrator's Decision on Invoice Deadline Extension Request dated February 6, 2015).

<sup>6</sup> See, in addition, the attached **Annotated Procedural Timeline**.

APS filed its FY 2012 invoice extension request on October 21, 2014. As feared, the October 28<sup>th</sup> invoice deadline came and went with no word from USAC.

Then, on October 31<sup>st</sup>, three days AFTER the invoice deadline, USAC finally moved. It short paid APS' December 2013 invoice with an explanation and then, for the first time, explained why it short paid the invoices from August 2013. All three invoices, USAC said, had a "matching" problem.

A "matching" problem occurs when a school's name and/or address on an invoice does not match up with what USAC has in its "BEN" database. In large school districts like APS, this is not unusual, as school names and addresses change fairly regularly. Also, vendors sometimes include the wrong school name and/or address on their invoices, which is another reason why "matching" problems occur from time to time.

USAC should know from experience that if it asks an applicant to help clear up a "matching" problem, and if it gives the applicant the information it needs to help, together, they can usually fix the problem relatively quickly. Not once, however, during the entire ten months it took USAC to conclude this matter, did USAC ever ask APS for help or even suggest to APS that there was a "matching" problem with any of its invoices. And since there is no evidence that USAC tried to resolve the problem unilaterally, and since there was no other problem with this invoice, it is inconceivable that it took USAC ten months to process this one single invoice.

On October 31<sup>st</sup>, when APS discovered what the problem was, we (Funds For Learning, LLC) consulted USAC on APS' behalf and then began collecting the information that APS would need to provide to USAC in order to get paid.<sup>7</sup> But even

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<sup>7</sup> See Exhibit 4, email dated October 31, 2014 from FFL to USAC.

with this information in hand, APS was stuck without a remedy, because the invoice deadline had passed, and USAC had not yet granted its extension request.

November passed. December passed. January passed. Finally, on February 6, 2015, USAC ruled on APS' invoice extension request: Denied. The reason, USAC explained perfunctorily, was because "the current deadline guidelines and procedures do not allow approval for the reason submitted." In other words, according to USAC, *if USAC causes an applicant to miss the invoice deadline*, there is absolutely nothing it can do to help, because its hands are tied by its own guidelines and procedures. APS appealed. Same result.

## **DISCUSSION**

### **Part I**

#### **USAC Should Have Granted APS An Extension Of Time To Resubmit Its FY 2012 Invoices Because It Was Entirely USAC's Fault That APS Missed The Deadline.**

APS had all three of its invoices on file with USAC ten to fourteen months before the FY 2012 invoice deadline. Yet somehow USAC managed not to process one of the three invoices or answer APS' important questions about the other two until three days AFTER the FY 2012 invoice deadline.

Thus it was not until three days AFTER the deadline that APS finally learned from USAC why it had decided to short pay all three of its invoices, including the one that it took USAC ten months to process. The reason, according to USAC, was a data-matching problem, a clerical issue really. This only added to APS' understandable frustration, because it knew that it could have cleared up the entire matter relatively quickly, if at some point over the last ten months USAC had just taken the time to notify it that this was the problem it was experiencing with its invoices.



Unfortunately for APS, USAC's long and inexcusable delay caught it in bureaucratic trap, a maddening, Catch-22-like one from which escape was impossible -- unless and until help came from USAC. Because of USAC's invoice resubmission procedure, APS could do absolutely nothing to get paid the balances due on its original, timely filed invoices except wait patiently for USAC to grant it an extension of time to resubmit "new" invoices for the funding that USAC should have paid on its "old" ones.

After taking ten months to process APS' invoice and answer its questions, USAC continued its laid-back approach to APS' invoicing issues by taking another three months to reject its invoice extension request. USAC's rationale was astounding. USAC did not disagree with APS that it was USAC's fault that APS missed the deadline and, therefore, missed the deadline due to circumstances beyond its control. Instead, USAC concluded summarily and remarkably that its current guidelines and procedures prohibited it from granting invoice extensions to APS for that particular reason.

What bears repeating, because it is the only fact that should matter here, is that USAC, and USAC alone, caused APS to miss the invoice deadline. That fact is incontrovertible. Which means that it is likewise incontrovertible that APS missed the invoice deadline due to circumstances beyond its control. That said, USAC's conclusion that its current guidelines and procedures prohibit it from granting an extension for that reason is simply impossible to believe; it must have been a mistake. There is no other logical explanation for it. If it was not a mistake, then USAC's guidelines and procedures are obviously wrong and need to be changed.

#### The Applicable Program Rules

As APS noted in its Letter of Appeal, the most "current" FCC rule, codified at CFR Section 54.514(b), entitles applicants to ask for and receive at least one, 120-day invoice deadline extension. Moreover and more to the point though, the Commission reemphasized just last month that different invoice extension rules

apply to earlier funding years. According to the Commission, the following is the rule that USAC should be applying in these circumstances:<sup>8</sup>

“With respect to ... **invoice extension requests for funding years predating the Commission’s codification of the invoice deadline process, the Commission directed** the Bureau and **USAC to consider** whether such requests were made in good faith and within a reasonable period of time after the services were provided, or whether other extraordinary circumstances exist that support an extension request.” (Emphasis added).

Here, the extension request was for FY 2012 invoices. Therefore, the rule set forth above is the rule that applies. Thus the three factors that USAC should have considered with respect to whether to grant APS’ extension request were: good faith, filing within a reasonable period of time, and extraordinary circumstances.

Obviously, APS made its request in good faith and within a reasonable period of time after the services were provided. APS filed its original invoices long before the deadline and, but for USAC’s delay, would not have even needed an extension of time to resubmit them. If USAC had done what it was supposed to do, namely, process invoices in a reasonably timely manner along with a reasonably intelligible explanation for short payments, APS easily could have resubmitted all three of its invoices before the October 28, 2014 deadline.

Obviously, the circumstances were extraordinary. APS filed two of its invoices in August 2013 and the third one in December 2013. Ten long months later, the third one was still stuck in limbo somewhere at USAC, and APS still could not get USAC to explain why it had short paid its two August invoices. Incredibly, USAC waited until three days after the October 28, 2014 invoice deadline to process APS’ December 2013 invoice and to explain why it had decided to short pay all of APS’ invoices. The upshot of all this, of course, was that USAC’s delay caused APS to

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<sup>8</sup> *Hancock County Library System, supra.*, para. 4.

miss the deadline by making it impossible to resubmit “new” invoices for the balances due on its “old” invoices until after the deadline for submitting them had already passed. Those are “extraordinary circumstances,” no matter how the term is defined.

APS should not be punished for USAC’s lack of responsiveness and unreasonable delay. APS did not procrastinate. APS did absolutely nothing wrong. On the other hand, if USAC had been just reasonably responsive and efficient, APS would have been able to resubmit its invoices for the balances due on them long before the October 28<sup>th</sup> invoice deadline.

## **Part II**

**Program Rules Do Not Require Applicants To Submit Two Invoices For Exactly The Same Services. Therefore, USAC Should Not Have Made APS’ Receipt of Supplemental Payments For The Balances Due On Its Original (August and December 2013) Invoices Conditional On APS Repurposing and Resubmitting Them As Brand “New” Invoices. The Invoice Deadline and Extension Issues Are Therefore Moot. Since Those Issues Are Moot, Program Rules Require USAC To Pay APS The Balances Due On Its Original Invoices.**

USAC has quietly adopted “Invoice Resubmission” as the administrative procedure that applicants must follow when a mistake has led USAC to short pay one of their invoices. This procedure is a bureaucratic “Rube Goldberg Machine” if ever there was one. APS should not be punished for USAC’s mistake in adopting it.

The Invoice Resubmission Procedure forces applicants to begin the entire invoice process anew, even where, as here, it actually started more than a year before. As an administrative procedure, it makes no sense. It is completely unnecessary, unsupported by any program rule or policy, and extremely unfair. It creates unnecessary paperwork, places an added burden on applicants, increases

the amount of time it takes applicants to get paid, and causes applicants to lose, through no fault of their own, badly needed E-rate funding. If USAC knows that it owes more money on an invoice, which it has already processed, instead of making an applicant submit a second invoice for exactly the same services, it would make much more sense for USAC to simply issue a supplemental payment for however much still remained due on the original invoice.

In the ordinary course of business, no one refers to documents asking customers to pay the balances due on partially paid invoices as “new” invoices. Nevertheless, that is what USAC insists on calling the same type of documents. The invoices, which USAC wants to characterize as “new,” are for services that that have already been billed to USAC on other invoices. Which means, of course, that they include absolutely nothing new. Thus they could not possibly be “new” invoices. There is no good reason, therefore, for USAC to characterize them that way.

USAC’s multiple invoice approach to the short payment problem and the E-rate Program’s policy goals and objectives are clearly working at cross purposes. For example, the *E-rate Modernization Order’s* main objectives included streamlining the program’s administrative process and eliminating needless frustration from it. USAC’s invoice resubmission procedure does just the opposite – it needlessly makes the administrative process much more complex and challenging and produces a great deal of stress and frustration in the process. If it is anything more than a bureaucratic make-work procedure, we fail to see it. Indeed, the only beneficiary of the procedure appears to be USAC, as it enables USAC to report invoices as processed and closed when, in fact, there are still open issues associated with them.

To make matters worse, USAC normally does not provide a short payment notice and explanation after it finishes processing an invoice. This unfairly places the onus on applicants to catch whatever short payments USAC may have made and to follow up with USAC to find out why. As the record here shows, that can be an

astonishingly difficult and time consuming task. Most applicants lack the time, resources, and expertise to uncover these kinds of mistakes in the first place and then to engage in the long and arduous task of resolving them with USAC. The unfortunate upshot of all this is that USAC winds up banking large amounts of E-rate funds that it should be paying to schools and libraries.

In August of this year it will be two long years since this saga began. The following is a recap of what went wrong:

1. It took USAC ten months to explain to APS that it short paid two of its invoices because of “matching” problems on them and what they were.
2. It took USAC ten months to process APS’ third invoice, and, when it finally did, it short paid that one too, also because of “matching” problems;
3. USAC should not have waited ten months to bring the “matching” problem to APS’ attention; if it had done so within a reasonable period of time, it could have resolved it long before the invoice deadline;
4. USAC adopted a procedure that prohibited it from paying APS what it owed on APS’ invoices, unless and until APS resubmitted them as “new” invoices for the amounts that USAC should not have short paid;
5. Even though APS’ original invoices and “new” invoices, which USAC required it to submit, would cover exactly the same services, USAC insisted that the same invoice deadline applied to both sets of invoices, the originals and “new” ones alike;
6. USAC delayed processing APS’ third invoice until three days after the invoice deadline;
7. USAC nailed the coffin shut by refusing to grant an extension of time to APS to file a “new” invoice for any of its invoices, even though it was entirely USAC fault that APS missed the deadline.

With the volume of matters that come before USAC on a daily basis, we can understand why mistakes sometimes happen. Fortunately, some mistakes, like the one USAC made here, can be fixed quite easily. That is why we are urging USAC today to reconsider its decision, work together with APS to determine exactly how much it still owes on the school district's original invoices, and to pay that amount.

### **CONCLUSION**

For all of the reasons set forth and discussed above, we request that USAC ( 1) reconsider and reverse its decision not to grant APS an invoice deadline extension for its FY 2012 invoices; (2) grant the invoice deadline extension request; and (3) permit APS to "resubmit" its timely-filed invoices for the balances due on them.

**Alternatively and preferably**, we request that USAC contact and work with us to resolve the clerical ""matching" problems that caused USAC to short pay all three of its invoices in the first place, and, as soon as reasonably possible thereafter, issue a supplemental payment on all three of APS' original, timely-filed invoices.

Respectfully submitted  
*on behalf of* Atlanta Public Schools  
/s/ Catherine Cruzan

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Catherine Cruzan  
President  
Funds For Learning, LLC  
2575 Kelley Pointe Parkway - Suite 200  
Edmond, OK 73013

405-471-0965  
ccruzan@fundsforlearning.com

cc: Randall Sellers  
Director of Procurement Services  
Atlanta Public Schools

Attachment

**ANNOTATED  
PROCEDURAL TIMELINE**

<b>August 26, 2013</b> <b>Two BEARS Forms Filed</b>	<b>Atlanta Public Schools (“APS”) files two FY 2012 BEAR Forms.</b> Form 472 Invoices 1880587 and 1880601 (FRN 2339932) <b>(“Aug. 2013 BEARS”).</b>
September 4-9, 2013	APS receives and returns service certification forms.
October 11, 2013	APS furnishes USAC with information requested in connection with invoice review of Aug. 2013 BEARS. (See Exhibit 2, APS USAC Appeal, (Exhibit B) - Email correspondence between Funds For Learning and Ombudsman, at p. 23, (V. Jolley email dated 12/23/13).
<b>December 5, 2013</b> <b>Third BEAR Form Filed</b>	<b>APS files third FY 2012 BEAR Form</b> for FRN 2339932 Form 472 Invoice # 1936465 <b>(“Dec. 2013 BEAR”).</b>
December 6, 2013	APS receives service certification form for Dec. 2013 BEAR and returns it promptly.
December 23, 2013	<ul style="list-style-type: none"> <li>• FFL contacts USAC Ombudsman to inquire about the status of the Aug. 2013 BEARS. (V. Jolley email dated 12/23/13). It has now been 17 weeks since APS submitted them and 10 weeks since it response to USAC’s information request.</li> <li>• USAC Ombudsman replies, “The initial review of these invoices are complete and they are currently with USAC management for further review.... some reviews take longer than others. I would expect these reviews to wrap up early in the New Year.”</li> </ul>
<b>December 27, 2013</b> <b>First BEAR Processed</b>	<b>USAC processes one of the two Aug. 2013 BEARs, but short pays it, <i>without any explanation.</i></b> -- USAC Processing Time: 17 weeks 5 days
<b>January 3, 2014</b> <b>Second BEAR Processed</b>	<b>USAC processes the second Aug. 2013 BEAR, but short pays it too, <i>without any explanation.</i></b> -- USAC Processing Time: 18 weeks 5 days
Jan. 4, 2014 – October 30, 2014 <b>(10 Months)</b>	<b><u>For 10 months</u></b> , USAC fails to respond to FFL’s periodic efforts to discern <u>why</u> it did not pay the Aug. 2013 BEARs in full. <u>And</u> APS hears nothing from USAC about the status of its Dec. 2013 BEAR.



<p style="text-align: center;"><b>October 21, 2014</b></p> <p style="text-align: center;"><b>APS Requests Invoice Deadline Extension</b></p>	<ul style="list-style-type: none"> <li>• At this point, APS has two <i>objectives</i>: <ol style="list-style-type: none"> <li>1. Receive the balance due on its Aug. 2013 BEARS, if it turns out, as APS suspects, that USAC short paid both of them by mistake; and</li> <li>2. Make sure that if USAC winds up short paying the Dec. 2013 BEAR by mistake too, it has the administrative means to remedy it.</li> </ol> </li> <li>• At this point, APS has two <i>options</i>: <ol style="list-style-type: none"> <li>1. <u>Do nothing and wait</u>. This is not really an option. If USAC waits until after October 28th to process the Dec. BEAR and to explain why it short paid the Aug. 2013 BEARS, which, on Oct. 21st, is looking very likely, USAC will not allow APS to resubmit them, <u>even if</u> it turns out that USAC short paid all of them by mistake.</li> <li>2. <u>Request invoice deadline extensions</u> for all three invoices <u>even though</u> APS had already filed them on time. This makes no sense, but <u>an invoice extension is the only way to eliminate the “Catch-22” problem</u>. Consequently, APS opts for #2.</li> </ol> </li> <li>• APS requests invoice deadline extensions for the Aug. 2013 BEAR and the Dec. 2013 BEAR. APS explains that it needs the extension due to circumstances beyond its control, namely, USAC’s delay in explaining why it short paid two BEARS and its long delay in processing the third. <i>See Exhibit 2, Invoice Deadline Extension Request.</i></li> </ul> <p><b>REASON FOR INVOICE DEADLINE EXTENSION REQUEST</b></p> <p>The District respectfully requests additional time to invoice for the above referenced FRNs. The District submitted the BEARs online approximately a year ago, USAC has not processed these BEARs and authorized disbursements. These delays are beyond the District’s control and the District is requesting an extension to invoice for the above referenced FRNs should any of the BEARs require resubmission.</p>
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<p><b>October 31, 2015</b></p> <p><b>USAC Processes Third BEAR and Explains Short Payments</b></p> <p><b>Processing Time: 333 Days</b></p>	<p><b>USAC finally processes the Dec. 2013 BEAR, but short pays it too.</b></p> <p><b>USAC finally explains the reason for all of the short payments:</b> Names and addresses of certain schools listed on the invoices did not match the name and address associated with any APS school's Billed Entity Number. [That was only reason, and it was wrong!]</p> <ul style="list-style-type: none"> <li>• USAC Processing Time: 10 months 27 days</li> <li>• On behalf of APS, Funds For Learning immediately begins the process of identifying the specific name/address discrepancies and working with USAC to resolve them. <i>See Exhibit 4, October 1, 2014 email from FFL to USAC.</i></li> <li>• <u>Not once during the entire 333-day processing period</u> did USAC consult with APS about or even mention the name/address discrepancy problem, which led to USAC short paying all of APS' invoices.</li> </ul>
<p><b>February 6, 2015</b></p> <p><b>USAC Denies Invoice Extension Request</b></p>	<p>Incredibly, USAC denies APS' invoice extension request on the grounds that, "<i>Current deadline guidelines and procedures do not allow approval for the reason submitted.</i>" <i>See Exhibit 2, p.25 (Exhibit C to Letter of Appeal).</i></p> <p>--Time to Issue Decision: 15 weeks and 4 days</p>
<p><b>April 1, 2015</b></p> <p><b>APS Appeals</b></p>	<p>APS appeals invoice extension denial to USAC.</p>
<p><b>April 21, 2015</b></p>	<p>USAC rejects the APS appeal.</p> <p>--Time to Issue Decision: only 20 days</p>

## Exhibit 1

USAC Appeal Decision  
dated April 21, 2015



Universal Service Administrative Company  
Schools & Libraries Division

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**Administrator's Decision on Appeal – Funding Year 2012-2013**

April 21, 2015

Laura DaCosta  
Funds for Learning, LLC  
2575 Kelly Point Parkway, Suite 200  
Edmund, OK 73013

Re: Applicant Name: ATLANTA PUBLIC SCHOOLS  
Billed Entity Number: 127319  
Form 471 Application Number: 859742  
Funding Request Number(s): 2339932  
Your Correspondence Dated: April 01, 2015

After thorough review and investigation of all relevant facts, the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) has made its decision in regard to your appeal of USAC's Funding Year 2012 Administrator's Decision on Invoice Deadline Extension Request Letter for the Application Number indicated above. This letter explains the basis of USAC's decision. The date of this letter begins the 60 day time period for appealing this decision. If your Letter of Appeal included more than one Application Number, please note that you will receive a separate letter for each application.

Funding Request Number(s): 2339932  
Decision on Appeal: **Denied**  
Explanation:

- Administrative procedures related to the payment of support for discounted services establish deadlines for applicants or service providers to submit invoices to USAC. The administrator provides an extension of the deadline under certain conditions. Those conditions are documented in the Reference area on the USAC website. (See Invoice Extensions for more information.) Your request did not provide information that satisfied those conditions.

Your appeal has not brought forth clear information establishing that those conditions were met but not considered. Therefore, your appeal is denied.

Since your appeal was denied in full, dismissed or cancelled, you may file an appeal with the FCC. Your appeal must be postmarked within 60 days of the date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554. Further information and options for filing an appeal directly with the FCC can be found under the Reference Area/"Appeals" of the SLD section of the USAC website or by contacting the Client Service Bureau. We strongly recommend that you use the electronic filing options.

We thank you for your continued support, patience and cooperation during the appeal process.

Schools and Libraries Division  
Universal Service Administrative Company

## Exhibit 2

APS Letter of Appeal of Invoice Deadline Extension

04/01/2015

**via e-mail: [appeals@sl.universalservice.org](mailto:appeals@sl.universalservice.org)**

Letter of Appeal  
Schools and Libraries Division – Correspondence Unit  
30 Lanidex Plaza West  
PO Box 685  
Parsippany, NJ 07054-0685

**LETTER OF APPEAL**  
**Invoice Deadline Extension**

<b>Applicant:</b>	Atlanta Public Schools
<b>Billed Entity Number:</b>	127319
<b>Forms 471 Application No.:</b>	859742
<b>Funding Year:</b>	2012
<b>FRN Number:</b>	2339932

Atlanta Public Schools, by its undersigned representative, hereby appeals the Invoice Deadline Extension Request Decision, released by USAC on February 06, 2015.

**ISSUE ON APPEAL:**

- Invoice deadline extension request denied for reasons outside of the applicants control.

**BACKGROUND**

On August 26, 2013 and December 05, 2013 Atlanta Public Schools filed 3 FCC Forms 472 seeking reimbursements, for services provided by BellSouth Telecommunications, LLC during the 2012 Funding Year. These Forms were timely filed, prior to the last date to invoice of October 28, 2014. (See attached Exhibit A for the submitted FCC Forms 472).

On September 04, 2013 and December 06, 2013 the three FCC Forms 472 went under a Service Certification Review. Two of the BEARs were processed by the SLD on December 27, 2013 (AT12-47204) and then on January 03, 2014 (AT12-47205). For reasons beyond the applicant's control, the third BEAR did not process until October 31, 2014, which was after the invoice deadline date. The applicant contacted both the CSB and the Ombudsman multiple times to ask about the delay in processing the BEARs (See attached Exhibit B). The District was actively pursuing payment on this Funding Request and was not

waiting until the last days to attempt preparing and submitting the payment paperwork. Due to the delays in processing the BEARs, the District filed their first invoice extension request on October 21, 2014. This is well ahead of the invoice deadline of October 28, 2014.

On February 06, 2015 USAC rejected the extension request (see attached Exhibit C), with a reason that "the current deadline guidelines and procedures do not allow approval for the reason submitted". The BEAR Forms took USAC an unusually long time to process and the District was never provided with an explanation as to why.

This is the first extension request made by Atlanta Public Schools, for the above mentioned funding request number. As part of the First Report and Order on E-rate Reform, the FCC adopted the rule that an applicant is entitled to ask for and received at least one 120 day invoice deadline extension. The rule is now codified at CFR Section 54.514 (b).

#### **SUMMARY**

Atlanta Public Schools timely filed the FCC Form 472 reimbursement requests, for eligible services that were delivered during the 2012 Funding Year. Since the Forms were processed by USAC late, an invoice deadline extension was requested, due to circumstances outside of the District's control. Therefore, Atlanta Public Schools cordially requests that the invoice deadline for FRN 2339932 be extended, to provide the District the opportunity to resubmit the FCC Form 472. All the BEARs were short paid as originally submitted, and an invoice deadline extension is needed in order for the District to resubmit for the short paid amount.

Respectfully,



Randall Sellers  
Director of Procurement Services



**Exhibit A:**

**1. SLD Invoice ID: 1880587**

**BEAR ID: AT12-47204-BSLV-Q1**

**2. SLD Invoice ID: 1880601**

**BEAR ID: AT12-47205-BSLV-Dec-May**

**3. SLD Invoice ID: 1936465**

**BEAR ID: AT12-47217-BSLV #3**

Do not write in this space.

Universal Service for Schools and Libraries

Please read instructions before completing. (To be completed by schools, libraries, or consortia.)

BILLED ENTITY APPLICANT REIMBURSEMENT FORM

For reimbursement of discounts on approved services already paid for by the Billed Entity Applicant.  
Only one Service Provider Identification Number (SPIN) per form.  
Must be completed and signed by the Billed Entity Applicant and signed by the relevant service provider.  
Persons willfully making false statements on this form can be punished by fine or forfeiture, under the Communications Act, 47 U.S.C. Secs. 502, 503(b), or fine or imprisonment under Title 18 of the United States Code, 18 U.S.C. Sec. 1001.

FCC NOTICE FOR INDIVIDUALS REQUIRED BY THE PRIVACY ACT AND THE PAPERWORK REDUCTION ACT

Part 54 of the Commission's Rules authorizes the FCC to collect the information on this form. Failure to provide all requested information will delay the processing of the application or result in the application being returned without action. Information requested by this form will be available for public inspection. Your response is required to obtain the requested authorization.

The public reporting for this collection of information is estimated to range from 1 to 2 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the required data, and completing and reviewing the collection of information. If you have any comments on this burden estimate, or how we can improve the collection and reduce the burden it causes you, please write to the Federal Communications Commission, AMD-PERM, Paperwork Reduction Act Project (3060-0856), Washington, DC 20554. We will also accept your comments regarding the Paperwork Reduction Act aspects of this collection via the Internet if you send them to PRA@fcc.gov. PLEASE DO NOT SEND YOUR RESPONSE TO THIS FORM TO THIS ADDRESS.

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THE FOREGOING NOTICE IS REQUIRED BY THE PRIVACY ACT OF 1974, PUBLIC LAW 93-579, DECEMBER 31, 1974, 5 U.S.C. 552a(e)(3) AND THE PAPERWORK REDUCTION ACT OF 1995, PUBLIC LAW 104-13, OCTOBER 1, 1995, 44 U.S.C. SECTION 3507.

Applicant Form Identifier (Create an identifier for your own reference) AT12-47204-BSLV-Q1	FCC Form 472 Invoice # (To be inserted by administrator) 1880587
---	---

BLOCK 1: HEADER INFORMATION	
1. Billed Entity Name	ATLANTA PUBLIC SCHOOLS
2. Billed Entity Number	127319
3. Service Provider Identification Number (SPIN)	143004824
4. Contact Name	RANDALL SELLERS
5. Contact Telephone Number	404- 8021568 ext
6. Total Reimbursement Amount (total from Block 2, Column 14)	\$106,865.49

**Billed Entity Applicant Reimbursement Form****For reimbursement of discounts on approved services already paid for by the Billed Entity Applicant.**Billed Entity Name ATLANTA PUBLIC SCHOOLS Billed Entity Number 127319Contact Name RANDALL SELLERS Contact Telephone Number 404-8021568Applicant Form Identifier AT12-47204-BSLV-Q1**BLOCK 2: LINE ITEM INFORMATION PER FUNDING REQUEST NUMBER**

	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)
	FCC Form 471 Application Number (from Funding Commitment Decision Letter)	Funding Request Number (FRN) (from Funding Commitment Decision Letter)	Bill Frequency	Customer Billed Date (mm/yyyy)	Shipping Date to Customer or Last Day of Work Performed (mm/dd/yyyy)	Total (Undiscounted) Amount for Service	Discount Rate	Amount Billed to USAC (Column 12 multiplied by Column 13)
			DO NOT WRITE IN THIS COLUMN.	For each FRN, complete either Column (10) or Column (11), but not both Columns				
1	859742	2339932		7/1/2012		\$44,831.68	80.00	\$35,865.34
2	859742	2339932		9/1/2012		\$44,474.08	80.00	\$35,579.26
3	859742	2339932		8/1/2012		\$44,276.11	80.00	\$35,420.89
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14								

**TOTAL REIMBURSEMENT AMOUNT TO BE ENTERED INTO ITEM (6)****\$106,865.49**

# BILLED ENTITY APPLICANT Reimbursement Form

Billed Entity Name ATLANTA PUBLIC SCHOOLS

Billed Entity Number 127319

Contact Name RANDALL SELLERS

Applicant Form Identifier AT12-47204-BSLV-Q1

## Block 3: Billed Entity Certification

I declare under penalty of perjury that the foregoing is true and correct and that I am authorized to submit this Billed Entity Applicant Reimbursement Form on behalf of the eligible schools, libraries, or consortia of those entities represented on this Form, and I certify to the best of my knowledge, information and belief, as follows:

- A. The discount amounts listed in Column (14) of this Billed Entity Applicant Reimbursement Form represent charges for eligible services delivered to and used by eligible schools, libraries, or consortia of those entities for educational purposes, on or after the service start date reported on the associated Form 486.
- B. The discount amounts listed in Column (14) of this Billed Entity Applicant Reimbursement Form were already billed by the service provider and paid by the Billed Entity Applicant on behalf of eligible schools, libraries, and consortia of those entities.
- C. The discount amounts listed in Column (14) of this Billed Entity Applicant Reimbursement Form are for eligible services approved by the fund administrator pursuant to a Form 471 Funding Commitment Decision Letter.
- D. I recognize that I may be audited pursuant to this application and will retain for five years any and all records that I rely upon to fill in this form.
- E. I certify that, in addition to the foregoing, this Billed Entity Applicant is in compliance with the rules and orders governing the schools and libraries universal service support program, and I acknowledge that failure to be in compliance and remain in compliance with those rules and orders may result in the denial of discount funding and/or cancellation of funding commitments. I acknowledge that failure to comply with the rules and orders governing the schools and libraries universal service support program could result in civil or criminal prosecution by law enforcement authorities.

15. Signature of authorized person

16. Date

17. Printed name of authorized person **RANDALL SELLERS**

18. Title or position of authorized person **DIRECTOR OF PROCUREMENT SERVICES**

19. Telephone number of authorized person **404- 8021568**

20. Address of authorized person **130 TRINITY AVENUE, 4TH FLOOR, ATLANTA GA 30303**

# BILLED ENTITY APPLICANT Reimbursement Form

Billed Entity Name ATLANTA PUBLIC SCHOOLS

Billed Entity Number 127319

Contact Name RANDALL SELLERS

Applicant Form Identifier AT12-47204-BSLV-Q1

## Block 4: Service Provider Acknowledgment

I declare under penalty of perjury that the foregoing is true and correct and that I am authorized to submit this Service Provider Acknowledgment for this Billed Entity Applicant Reimbursement Form, and acknowledge to the best of my knowledge, information and belief, as follows:

- A. The service provider must remit the discount amount authorized by the fund administrator to the Billed Entity Applicant who prepared and submitted this Billed Entity Applicant Reimbursement Form as soon as possible after the fund administrator's notification to the service provider of the amount of the approved discounts on this Billed Entity Applicant Reimbursement Form, but in no event later than 20 business days after receipt of the reimbursement payment from the fund administrator, subject to the restriction set forth in B. below.
- B. The service provider must remit payment of the approved discount amount to the Billed Entity Applicant prior to tendering or making use of the payment issued by the Universal Service Administrative Company to the service provider of the approved discounts for the Billed Entity Applicant Reimbursement Form.
- C. I certify that, in addition to the foregoing, this Service Provider is in compliance with the rules and orders governing the schools and libraries universal service support program, and I acknowledge that failure to be in compliance and remain in compliance with those rules and orders may result in the denial of discount funding and/or cancellation of funding commitments. I acknowledge that failure to comply with the rules and orders governing the schools and libraries universal service support program could result in civil or criminal prosecution by law enforcement authorities.

21. Signature of authorized person (fax, copy or original signature)

22. Date

23. Printed name of authorized person TAMMY SMITH

24. Title or position of authorized person ERATE MANAGER

25. Telephone number of authorized person - ext

26. Address of authorized person AT&T/BELL SOUTH TELECOM, 2180 LAKE BLVD. NE, ATLANTA GA 30319

## 27.Applicant Remittance Information

Name

Title

Street Address

**A paper copy of this Form (pages 1-4) should be mailed to:**

**SLD BEAR FCC Form 472  
P.O. Box 7026  
Lawrence, KS 66044-7026**

**If sent by express delivery services or U.S. Postal Service, Return Receipt Requested, the form (pages 1-4) should be mailed to:**

**SLD Forms  
ATTN: SLD BEAR FCC Form 472  
3833 Greenway Drive  
Lawrence, KS 66046  
Phone: 1-888-203-8100**

Do not write in this space.

Universal Service for Schools and Libraries

Please read instructions before completing. (To be completed by schools, libraries, or consortia.)

BILLED ENTITY APPLICANT REIMBURSEMENT FORM

For reimbursement of discounts on approved services already paid for by the Billed Entity Applicant.  
Only one Service Provider Identification Number (SPIN) per form.  
Must be completed and signed by the Billed Entity Applicant and signed by the relevant service provider.  
Persons willfully making false statements on this form can be punished by fine or forfeiture, under the Communications Act, 47 U.S.C. Secs. 502, 503(b), or fine or imprisonment under Title 18 of the United States Code, 18 U.S.C. Sec. 1001.

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Applicant Form Identifier (Create an identifier for your own reference) AT12-47205-BSLV-DEC-MAY	FCC Form 472 Invoice # (To be inserted by administrator) 1880601
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BLOCK 1: HEADER INFORMATION	
1. Billed Entity Name	ATLANTA PUBLIC SCHOOLS
2. Billed Entity Number	127319
3. Service Provider Identification Number (SPIN)	143004824
4. Contact Name	RANDALL SELLERS
5. Contact Telephone Number	404- 8021568 ext
6. Total Reimbursement Amount (total from Block 2, Column 14)	\$213,191.57

**Billed Entity Applicant Reimbursement Form****For reimbursement of discounts on approved services already paid for by the Billed Entity Applicant.**Billed Entity Name ATLANTA PUBLIC SCHOOLS Billed Entity Number 127319Contact Name RANDALL SELLERS Contact Telephone Number 404-8021568Applicant Form Identifier AT12-47205-BSLV-DEC-MAY**BLOCK 2: LINE ITEM INFORMATION PER FUNDING REQUEST NUMBER**

	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)
	FCC Form 471 Application Number (from Funding Commitment Decision Letter)	Funding Request Number (FRN) (from Funding Commitment Decision Letter)	Bill Frequency	Customer Billed Date (mm/yyyy)	Shipping Date to Customer or Last Day of Work Performed (mm/dd/yyyy)	Total (Undiscounted) Amount for Service	Discount Rate	Amount Billed to USAC (Column 12 multiplied by Column 13)
			DO NOT WRITE IN THIS COLUMN.	For each FRN, complete either Column (10) or Column (11), but not both Columns				
1	859742	2339932		3/1/2013		\$44,272.31	80.00	\$35,417.85
2	859742	2339932		2/1/2013		\$44,474.79	80.00	\$35,579.83
3	859742	2339932		5/1/2013		\$44,663.69	80.00	\$35,730.95
4	859742	2339932		4/1/2013		\$44,285.02	80.00	\$35,428.02
5	859742	2339932		12/1/2012		\$44,480.04	80.00	\$35,584.03
6	859742	2339932		1/1/2013		\$44,313.61	80.00	\$35,450.89
7								
8								
9								
10								
11								
12								
13								
14								
<b>TOTAL REIMBURSEMENT AMOUNT TO BE ENTERED INTO ITEM (6)</b>								<b>\$213,191.57</b>



# BILLED ENTITY APPLICANT Reimbursement Form

Billed Entity Name ATLANTA PUBLIC SCHOOLS

Billed Entity Number 127319

Contact Name RANDALL SELLERS

Applicant Form Identifier AT12-47205-BSLV-DEC-MAY

## Block 3: Billed Entity Certification

I declare under penalty of perjury that the foregoing is true and correct and that I am authorized to submit this Billed Entity Applicant Reimbursement Form on behalf of the eligible schools, libraries, or consortia of those entities represented on this Form, and I certify to the best of my knowledge, information and belief, as follows:

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- D. I recognize that I may be audited pursuant to this application and will retain for five years any and all records that I rely upon to fill in this form.
- E. I certify that, in addition to the foregoing, this Billed Entity Applicant is in compliance with the rules and orders governing the schools and libraries universal service support program, and I acknowledge that failure to be in compliance and remain in compliance with those rules and orders may result in the denial of discount funding and/or cancellation of funding commitments. I acknowledge that failure to comply with the rules and orders governing the schools and libraries universal service support program could result in civil or criminal prosecution by law enforcement authorities.

15. Signature of authorized person Signed electronically by RANDALL SELLERS

16. Date

17. Printed name of authorized person RANDALL SELLERS

18. Title or position of authorized person DIRECTOR OF PROCUREMENT SERVICES

19. Telephone number of authorized person 404- 8021568

20. Address of authorized person 130 TRINITY AVENUE, 4TH FLOOR, ATLANTA GA 30303

# BILLED ENTITY APPLICANT Reimbursement Form

Billed Entity Name ATLANTA PUBLIC SCHOOLS

Billed Entity Number 127319

Contact Name RANDALL SELLERS

Applicant Form Identifier AT12-47205-BSLV-DEC-MAY

## Block 4: Service Provider Acknowledgment

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21. Signature of authorized person (fax, copy or original signature) Signed electronically by TAMMY SMITH

22. Date

23. Printed name of authorized person TAMMY SMITH

24. Title or position of authorized person ERATE MANAGER

25. Telephone number of authorized person - ext

26. Address of authorized person AT&T/BELL SOUTH TELECOM, 2180 LAKE BLVD. NE, ATLANTA GA 30319

## 27. Applicant Remittance Information

Name

Title

Street Address

**A paper copy of this Form (pages 1-4) should be mailed to:**

**SLD BEAR FCC Form 472  
P.O. Box 7026  
Lawrence, KS 66044-7026**

**If sent by express delivery services or U.S. Postal Service, Return Receipt Requested, the form (pages 1-4) should be mailed to:**

**SLD Forms  
ATTN: SLD BEAR FCC Form 472  
3833 Greenway Drive  
Lawrence, KS 66046  
Phone: 1-888-203-8100**

Universal Service for Schools and Libraries

Please read instructions before completing. (To be completed by schools, libraries, or consortia.)

BILLED ENTITY APPLICANT REIMBURSEMENT FORM

For reimbursement of discounts on approved services already paid for by the Billed Entity Applicant.  
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Must be completed and signed by the Billed Entity Applicant and signed by the relevant service provider.  
Persons willfully making false statements on this form can be punished by fine or forfeiture, under the Communications Act, 47 U.S.C. Secs. 502, 503(b), or fine or imprisonment under Title 18 of the United States Code, 18 U.S.C. Sec. 1001.

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Applicant Form Identifier (Create an identifier for your own reference) AT12-47217-BSLV #3	FCC Form 472 Invoice # (To be inserted by administrator) 1936465
---	---

BLOCK 1: HEADER INFORMATION	
1. Billed Entity Name	ATLANTA PUBLIC SCHOOLS
2. Billed Entity Number	127319
3. Service Provider Identification Number (SPIN)	143004824
4. Contact Name	Randall Sellers
5. Contact Telephone Number	404- 8021568 ext
6. Total Reimbursement Amount (total from Block 2, Column 14)	\$84,074.50

**Billed Entity Applicant Reimbursement Form**

For reimbursement of discounts on approved services already paid for by the Billed Entity Applicant.

Billed Entity Name ATLANTA PUBLIC SCHOOLS Billed Entity Number 127319Contact Name Randall Sellers Contact Telephone Number 404-8021568Applicant Form Identifier AT12-47217-BSLV #3**BLOCK 2: LINE ITEM INFORMATION PER FUNDING REQUEST NUMBER**

	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)
	FCC Form 471 Application Number (from Funding Commitment Decision Letter)	Funding Request Number (FRN) (from Funding Commitment Decision Letter)	Bill Frequency	Customer Billed Date (mm/yyyy)	Shipping Date to Customer or Last Day of Work Performed (mm/dd/yyyy)	Total (Undiscounted) Amount for Service	Discount Rate	Amount Billed to USAC (Column 12 multiplied by Column 13)
			DO NOT WRITE IN THIS COLUMN.	For each FRN, complete either Column (10) or Column (11), but not both Columns				
1	859742	2339932		6/1/2013		\$20,805.61	80.00	\$16,644.49
2	859742	2339932		10/1/2012		\$42,149.29	80.00	\$33,719.43
3	859742	2339932		11/1/2012		\$42,138.23	80.00	\$33,710.58
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5								
6								
7								
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**TOTAL REIMBURSEMENT AMOUNT TO BE ENTERED INTO ITEM (6)****\$84,074.50**

# BILLED ENTITY APPLICANT Reimbursement Form

Billed Entity Name ATLANTA PUBLIC SCHOOLS

Billed Entity Number 127319

Contact Name Randall Sellers

Applicant Form Identifier AT12-47217-BSLV #3

## Block 3: Billed Entity Certification

I declare under penalty of perjury that the foregoing is true and correct and that I am authorized to submit this Billed Entity Applicant Reimbursement Form on behalf of the eligible schools, libraries, or consortia of those entities represented on this Form, and I certify to the best of my knowledge, information and belief, as follows:

- A. The discount amounts listed in Column (14) of this Billed Entity Applicant Reimbursement Form represent charges for eligible services delivered to and used by eligible schools, libraries, or consortia of those entities for educational purposes, on or after the service start date reported on the associated Form 486.
- B. The discount amounts listed in Column (14) of this Billed Entity Applicant Reimbursement Form were already billed by the service provider and paid by the Billed Entity Applicant on behalf of eligible schools, libraries, and consortia of those entities.
- C. The discount amounts listed in Column (14) of this Billed Entity Applicant Reimbursement Form are for eligible services approved by the fund administrator pursuant to a Form 471 Funding Commitment Decision Letter.
- D. I recognize that I may be audited pursuant to this application and will retain for five years any and all records that I rely upon to fill in this form.
- E. I certify that, in addition to the foregoing, this Billed Entity Applicant is in compliance with the rules and orders governing the schools and libraries universal service support program, and I acknowledge that failure to be in compliance and remain in compliance with those rules and orders may result in the denial of discount funding and/or cancellation of funding commitments. I acknowledge that failure to comply with the rules and orders governing the schools and libraries universal service support program could result in civil or criminal prosecution by law enforcement authorities.

15. Signature of authorized person Signed electronically by RANDALL SELLERS

16. Date 12/3/2013

17. Printed name of authorized person RANDALL SELLERS

18. Title or position of authorized person Director of Procurement Services

19. Telephone number of authorized person 404- 8021568

20. Address of authorized person 130 Trinity Avenue, 4th Floor, Atlanta GA 30303

# BILLED ENTITY APPLICANT Reimbursement Form

Billed Entity Name ATLANTA PUBLIC SCHOOLS

Billed Entity Number 127319

Contact Name Randall Sellers

Applicant Form Identifier AT12-47217-BSLV #3

## Block 4: Service Provider Acknowledgment

I declare under penalty of perjury that the foregoing is true and correct and that I am authorized to submit this Service Provider Acknowledgment for this Billed Entity Applicant Reimbursement Form, and acknowledge to the best of my knowledge, information and belief, as follows:

- A. The service provider must remit the discount amount authorized by the fund administrator to the Billed Entity Applicant who prepared and submitted this Billed Entity Applicant Reimbursement Form as soon as possible after the fund administrator's notification to the service provider of the amount of the approved discounts on this Billed Entity Applicant Reimbursement Form, but in no event later than 20 business days after receipt of the reimbursement payment from the fund administrator, subject to the restriction set forth in B. below.
- B. The service provider must remit payment of the approved discount amount to the Billed Entity Applicant prior to tendering or making use of the payment issued by the Universal Service Administrative Company to the service provider of the approved discounts for the Billed Entity Applicant Reimbursement Form.
- C. I certify that, in addition to the foregoing, this Service Provider is in compliance with the rules and orders governing the schools and libraries universal service support program, and I acknowledge that failure to be in compliance and remain in compliance with those rules and orders may result in the denial of discount funding and/or cancellation of funding commitments. I acknowledge that failure to comply with the rules and orders governing the schools and libraries universal service support program could result in civil or criminal prosecution by law enforcement authorities.

21. Signature of authorized person (fax, copy or original signature) **Signed electronically by Cheryl Revor**

22. Date **12/4/2013**

23. Printed name of authorized person **Cheryl Revor**

24. Title or position of authorized person **Sr Contract Sourcing Specialist**

25. Telephone number of authorized person - **ext**

26. Address of authorized person **225 W Randolph, Chicago IL 60606**

## 27. Applicant Remittance Information

Name **Randall Sellers**

Title **Director of Procurement Services**

Street Address

**130 Trinity Avenue**

**4th Floor**

**Atlanta, GA 30303**

**A paper copy of this Form (pages 1-4) should be mailed to:**

**SLD BEAR FCC Form 472  
P.O. Box 7026  
Lawrence, KS 66044-7026**

**If sent by express delivery services or U.S. Postal Service, Return Receipt Requested, the form (pages 1-4) should be mailed to:**

**SLD Forms  
ATTN: SLD BEAR FCC Form 472  
3833 Greenway Drive  
Lawrence, KS 66046  
Phone: 1-888-203-8100**



## **Exhibit B:**

### **1. Email correspondence between Funds For Learning and Ombudsman**

**See below SLD Case Numbers:**

- a. 22-577540**
- b. 22-616935**
- c. 22-668424**
- d. 22-674764**

**From:** David LeNard [<mailto:dlenard@usac.org>]

**Sent:** Friday, September 19, 2014 3:11 PM

**To:** Verlyne Jolley

**Subject:** RE: Inquiry 22-575521 FCC Form 471 467825 INV 1834509 for Atlanta Public Schools (BEN 127319)

Verlyne,

Thank you for checking in again.

I have spoken to the responsible manager and been informed these invoices are in the final review here. Once complete here they will be sent back to the Invoicing team to complete processing. I would expect this should be wrapped up over the next month or so. I have shared with them the schools sense of anxiety.

We will continue to monitor this and will pass along any update.

If you have any further questions, please feel free to contact us at [ombudsman@usac.org](mailto:ombudsman@usac.org).

Sincerely,  
Dave LeNard

David LeNard  
Program Manager, Ombudsman  
Universal Service Administrative Company  
2000 L Street, NW, Suite 200  
Washington, DC 20036  
202-572-1678 Phone  
202-776-0080 Fax  
[ombudsman@usac.org](mailto:ombudsman@usac.org)  
[www.usac.org](http://www.usac.org)

**From:** Verlyne Jolley [<mailto:vjolley@fundsforlearning.com>]

**Sent:** Wednesday, September 17, 2014 10:16 AM

**To:** David LeNard

**Subject:** RE: Inquiry 22-575521 FCC Form 471 467825 INV 1834509 for Atlanta Public Schools (BEN 127319)

Dave,

I wanted to check back in again on the BEARs listed below. In April there was not an estimated completion date, but now that it is September, the District is anxious to get an estimated timeframe for payment. If any additional information is needed, please let me know.

Thank you!  
Verlyne

---

VERLYNE JOLLEY  
Vice President  
Funds For Learning  
[vjolley@fundsforlearning.com](mailto:vjolley@fundsforlearning.com)

---

**From:** David LeNard [<mailto:dlenard@usac.org>]

**Sent:** Friday, April 18, 2014 8:45 AM

**To:** Verlyne Jolley

**Subject:** RE: Inquiry 22-575521 FCC Form 471 467825 INV 1834509 for Atlanta Public Schools (BEN 127319)

Verlyne,

Thank you for checking in again.

I have spoken to the responsible manager and confirmed they are still working to wrap up the reviews that are holding up these invoices. They were unable to provide a targeted completion date. At this point there is no further information needed, if any questions are required, please respond thoroughly and expeditiously to hasten the completion of the review.

If you have any further questions, please feel free to contact us at [ombudsman@usac.org](mailto:ombudsman@usac.org).

Sincerely,  
Dave LeNard

David LeNard  
Program Manager, Ombudsman  
Universal Service Administrative Company  
2000 L Street, NW, Suite 200  
Washington, DC 20036  
202-572-1678 Phone  
202-776-0080 Fax  
[ombudsman@usac.org](mailto:ombudsman@usac.org)  
[www.usac.org](http://www.usac.org)

**From:** Verlyne Jolley [<mailto:vjolley@fundsforlearning.com>]

**Sent:** Monday, April 14, 2014 5:28 PM

**To:** David LeNard

**Subject:** RE: Inquiry 22-575521 FCC Form 471 467825 INV 1834509 for Atlanta Public Schools (BEN 127319)

Dave,

I wanted to circle back around to the FY2005 SLD invoice number 1834509 as well as a few FY2012 invoices that are still pending. The FY2012 invoices that are still at a status of "passed validation" are as follows:

1879031  
1931146  
1931144  
1936465

Is there any further information needed in order to get a payment decision for these 5 SLD invoices? If you need another copy of the LOA or any other information in connection with these requests, just let me know.

Thank you,  
Verlyne

---

VERLYNE JOLLEY  
Vice President  
Funds For Learning  
[vjolley@fundsforlearning.com](mailto:vjolley@fundsforlearning.com)

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**From:** David LeNard [<mailto:dlenard@usac.org>]

**Sent:** Tuesday, December 24, 2013 8:09 AM

**To:** Verlyne Jolley

**Subject:** Inquiry 22-575521 FCC Form 471 467825 INV 1834509 RE: AT12-472-BEAR status for Atlanta Public Schools (BEN 127319)

Verlyne,

Thank you for your inquiry to the Ombudsman group.

I have checked on this invoice and confirmed it is under review here in DC. The responsible manager is out through the New Year, but I have sent a request that this review be expedited upon their return.

If you have any further questions, please feel free to contact us at [ombudsman@usac.org](mailto:ombudsman@usac.org).

Sincerely,

Dave LeNard

David LeNard

Program Manager, Ombudsman

Universal Service Administrative Company

2000 L Street, NW, Suite 200

Washington, DC 20036

202-572-1678 Phone

202-776-0080 Fax

[dlenard@usac.org](mailto:dlenard@usac.org)

[www.usac.org](http://www.usac.org)

**From:** Verlyne Jolley [<mailto:vjolley@fundsforlearning.com>]

**Sent:** Monday, December 23, 2013 4:45 PM

**To:** David LeNard

**Cc:** Verlyne Jolley

**Subject:** RE: Inquiry 22-575474 FCC Form 471 859745 RE: AT12-472-BEAR status for Atlanta Public Schools (BEN 127319)

Dave,

Thank you for following up on the FY2012 BEARs listed below. I was working on a separate request regarding FCC Form 471 467825, SLD invoice number 1834509 for Funding Year 2005 for Atlanta that had its invoice review in May of 2013 and went into management review in June 2013. Does this email work, or should I send a separate request for a status update?

Enjoy the holidays!

Kind regards,

Verlyne

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**VERLYNE JOLLEY**

Vice President

Funds For Learning

[vjolley@fundsforlearning.com](mailto:vjolley@fundsforlearning.com)

---

**From:** David LeNard [<mailto:dlenard@usac.org>]

**Sent:** Monday, December 23, 2013 3:29 PM

**To:** Verlyne Jolley

**Subject:** Inquiry 22-575474 FCC Form 471 859745 RE: AT12-472-BEAR status for Atlanta Public Schools (BEN 127319)

Verlyne,

Thank you for your inquiry to the Ombudsman group.

I have researched these invoices, spoken to the responsible manager and have the following to report. The initial review of these invoices are complete and they are currently with USAC management for further review. USAC management is working to complete the review. USAC has a fiduciary responsibility to verify the accuracy of discount requests and ensure that support is disbursed only for eligible products and services, some reviews take longer than others. I would expect these reviews to wrap up early in the New Year.

If you have any further questions, please feel free to contact us at [ombudsman@usac.org](mailto:ombudsman@usac.org).

Sincerely,  
Dave LeNard

David LeNard  
Program Manager, Ombudsman  
Universal Service Administrative Company  
2000 L Street, NW, Suite 200  
Washington, DC 20036  
202-572-1678 Phone  
202-776-0080 Fax  
[ombudsman@usac.org](mailto:ombudsman@usac.org)  
[www.usac.org](http://www.usac.org)

**From:** Verlyne Jolley [<mailto:vjolley@fundsforlearning.com>]

**Sent:** Monday, December 23, 2013 3:32 PM

**To:** Ombudsman

**Cc:** Verlyne Jolley

**Subject:** AT12-472-BEAR status for Atlanta Public Schools (BEN 127319)

To Whom It May Concern,

I am hoping you can help me get a status update on 9 BEARs that were filed for Atlanta Public Schools (BEN 127319) in August 2013. A copy of the LOA between the District and Funds For Learning is attached for your records. All 9 BEARs had an invoice review and the information was provided October 11, 2013. The SLD invoice numbers are as follows:

1879011  
1879016  
1879019  
1879031  
1879042  
1880587  
1880601  
1879032  
1879046

Funds For Learning has verified with the various reviewers that all information was received and no further documentation was needed. Can we please get a status update on these BEARs and find out when the District can expect a payment decision?

Thank you,

Verlyne Jolley



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**VERLYNE JOLLEY**  
Vice President

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[vjolley@fundsforlearning.com](mailto:vjolley@fundsforlearning.com)  
phone 405-471-0950  
fax 866-552-8110

**Exhibit C:**

**1. USAC Decision Letter:**

**Invoice Deadline Extension Request Denial Letter**

### Administrator's Decision on Invoice Deadline Extension Request

February 6, 2015

Laura DaCosta  
Funds for Learning  
2575 Kelley Pointe Parkway  
Suite 200  
Edmond, OK 73013

RE: Atlanta Public Schools

FCC Form 471 Application Number: 859742  
Funding Request Number(s): 2339932, 2339933 and 2339934

Your Correspondence Dated: October 21, 2014

After thorough review and investigation of all relevant facts, the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) has made its decision in regard to your invoice deadline extension request for the FRN(s) indicated above. This letter explains the basis of USAC's decision. The date of this letter begins the 60 day time period for appealing this decision. If your request included more than one FRN, please note that for each FRN for which an invoice deadline extension request was submitted, a separate letter may be sent.

Decision on Request: **Denied**

Explanation: Current deadline guidelines and procedures do not allow approval for the reason submitted.

#### TO APPEAL THIS DECISION

If you wish to appeal a decision in this letter to USAC, your appeal must be received by USAC or postmarked within 60 days of the date of this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. In your letter of appeal:

1. Include the name, address, telephone number, fax number, and email address for the person who can most readily discuss this appeal with us.
2. State outright that your letter is an appeal. Include the following to identify the USAC decision letter (e.g., FCDL) and the decision you are appealing:
  - appellant name
  - applicant and service provider names, if different than appellant
  - applicant BEN and service provider SPIN
  - **<insert application or form number>** as assigned by USAC
  - Funding Request Number(s) (FRNs) you are appealing if provided in the letter



- <insert name of the letter and funding year - both are located at the top of the letter> AND
  - the exact text or the decision that you are appealing.
3. Please keep your letter to the point and provide documentation to support your appeal. Be sure to keep a copy of your entire appeal, including any correspondence and documentation.
  4. If you are the applicant, please provide a copy of your appeal to the service provider(s) affected by USAC's decision. If you are the service provider, please provide a copy of your appeal to the applicant(s) affected by USAC's decision.
  5. Provide an authorized signature on your letter of appeal.

We strongly recommend that you use one of the electronic filing options. To submit your appeal to USAC by email, email your appeal to [appeals@sl.universalservice.org](mailto:appeals@sl.universalservice.org) or submit your appeal electronically by using the "Submit a Question" feature on the USAC website. USAC will automatically reply to incoming emails to confirm receipt.

To submit your appeal to us by fax, fax your appeal to (973) 599-6542.

To submit your appeal to us on paper, send your appeal to:

Letter of Appeal  
Schools and Libraries Division - Correspondence Unit  
30 Lanidex Plaza West  
PO Box 685  
Parsippany, NJ 07054-0685

For more information on submitting an appeal to USAC, please see "Appeals" in the "Schools and Libraries" section of the USAC website.

Schools and Libraries Division  
Universal Service Administrative Company

cc: Cheryl L Revor, Bell South Telecommunications, LLC  
Lorita Belle, BellSouth Long Distance, Inc. dba AT&T Long Distance Service  
Linda A Doyle, AT&T Corp.

## Exhibit 3

APS FY 2012 Invoice Extension Request  
Dated October 21, 2014

## Invoice Deadline Extension Request

### APPLICANT INFORMATION

<b>APPLICANT NAME</b> Atlanta Public Schools	<b>BILLED ENTITY NUMBER</b> 127319
<b>CONTACT NAME</b> Randall Sellers	<b>CONTACT PHONE</b> 404-802-1568
<b>CONTACT E-MAIL</b> rasellers@atlanta.k12.ga.us	

### Extension Request Details

Form 471	FRN	Service Provider	SPIN
Funding Year 2012			
867844	2365302	ENA Services, LLC	143030857
859858	2340340	Onepath Systems, LLC	143033662
859742	2339934	AT&T Corp.	143001192
859742	2339933	BellSouth Long Distance, Inc. dba AT&T Long Distance Service	143004066
859742	2339932	BellSouth Telecommunications, LLC	143004824
859742	2339930	ENA Services, LLC	143030857

### REASON FOR EXTENSION REQUEST

#### REASON FOR INVOICE DEADLINE EXTENSION REQUEST



The District respectfully requests additional time to invoice for the above referenced FRNs. The District submitted the BEARs online approximately a year ago, USAC has not processed these BEARs and authorized disbursements. These delays are beyond the District's control and the District is requesting an extension to invoice for the above referenced FRNs should any of the BEARs require resubmission.

Signature

Date

**To:** [sldcaseattachments@sl.universalservice.org](mailto:sldcaseattachments@sl.universalservice.org)  
**From:** [Laura DaCosta \(Funds For Learning\)](#)  
**Date:** Tue 10/21/2014 4:41 PM  
**Subject:** RE: SLD Inquiry #: 22-684034 Received

**Attachments**

 [AT12-EXT-Invoice Deadline Extension.pdf](#) (54.23 KB)  
 [AT14-LOA-Expires 06-30-2015.pdf](#) (29.53 KB)

Please see attached Invoice Deadline Extension Request and Letter of Agency for Atlanta Public Schools (BEN: 127319). Please let us know if you have any questions or anything else is needed.

Thank you,  
Laura



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Laura DaCosta  
Funds For Learning

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[erate@fundsforlearning.com](mailto:erate@fundsforlearning.com)  
phone 405-471-0929  
fax 866-552-8110

---

2575 Kelley Pointe Parkway  
Suite 200  
Edmond, OK 73013  
[www.FundsForLearning.com](http://www.FundsForLearning.com)

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**Original Message:**

**To:** [erate@fundsforlearning.com](mailto:erate@fundsforlearning.com)  
**From:** [sldcaseattachments@sl.universalservice.org](mailto:sldcaseattachments@sl.universalservice.org)  
**Date:** Tue 10/21/2014 4:08 PM  
**Subject:** SLD Inquiry #: 22-684034 Received

Thank you for using Submit a Question. This message serves as a receipt confirmation of your submission.

The case number for your submission is 22-684034.

Please refer to this case number in subsequent contacts regarding this issue. Note that we may need to ask you for additional information to completely answer your question or fulfill your request.

You indicated in your submission that you wish to send us an attachment. To submit an attachment, please reply to this message and attach your attachment to the reply. Any additional information you wish to

provide should be included in the attachment, not added to the text of this email.

If you still have questions about this issue after you review our response, please call us at 1-888-203-8100. Please do not reply to this message or to our response, as replies go to an unattended mailbox.

If you have a new question or issue, please submit another question and we will create a new case number to address it.

If you need program information, you can visit the SLD web site at [www.usac.org/sl](http://www.usac.org/sl).

Thank you.

Here is the information you submitted:

*[FirstName]=Laura [LastName]=DaCosta [JobTitle]=Compliance Specialist  
[EmailAddress]=erate@fundsforlearning.com [WorkPhone]=4054710929  
[FaxPhone]=8665528110 [PreviousCaseNumber]=0 [FormType]=Invoice Extension  
[Owner]=DEADLINEEXTENSIONS [DateSubmitted]=10/21/2014 5:08:25 PM  
[AttachmentFlag]=Y[Question2]=On behalf of Atlanta Public Schools, we respectfully  
request an invoice deadline extension, detailed request and LOA attachments to follow, via  
email.*

## Exhibit 4

Email dated October 31, 2014 from FFL to USAC

**To:** [Knowlton, Eric](#)  
**From:** [Sean Lock \(Funds For Learning\)](#)  
**Date:** Fri 10/31/2014 4:35 PM  
**Subject:** RE: E Rate Invoice AT12-47217-BSLV #3 Our Invoice 1936545

Eric,

Thank you for the list. I am trying to back into the numbers associated with the sites and the pages you have referenced. It looks like each page lines up with the November bill with the exception of one on October. Is that correct? Also, you have listed a Southside High, but no page number and a Waters pg. 45, but pg.45 ties to a check remittance. Should this have been a different site?

I see where we may have removed a site, for example JC Harris from page 149 of the bill; however, the PDF showed the site on pg 79, which would be Index page 17 of the bill. When our listing of 149 didn't match the 17, did you go head and remove the charge?

Where the charges listed on these pages the only additional ones removed? If so, can you give me a breakdown of the amounts?

Basically, may have been some duplicate removals, but I won't be sure until I can reconcile the list.

Thanks again for your continued assistance,  
Sean



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Sean Lock  
Funds For Learning

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[erate@fundsforlearning.com](mailto:erate@fundsforlearning.com)  
phone 405-471-0918  
fax 866-552-8110

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2575 Kelley Pointe Parkway  
Suite 200  
Edmond, OK 73013  
[www.FundsForLearning.com](http://www.FundsForLearning.com)

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Original Message:

Quoted text hidden. [Click here to show.](#)